

**STATE OF MAINE
KENNEBEC, ss.**

**IN RE VIOLATION OF
10 M.R.S.A. §1101**

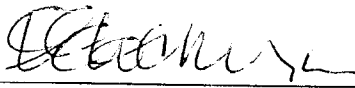
**TO: ISO-NEW ENGLAND, INC.
Attention: Maria Gulluni, Esq.
ISO New England, Inc.
One Sullivan Road
Holyoke, MA 01040**

You are hereby summoned to appear at the Office of the Attorney General, Burton M. Cross State Office Building, 109 Sewall Street, 6th Floor, Augusta, Maine, on May 6, 2002 at 9:00 a.m. to provide testimony and to produce and give authenticating testimony concerning the documents described in the accompanying schedule, pursuant to an investigation by the Attorney General of violations of 10 M.R.S.A. §§1101. Specifically, the Attorney General is investigating whether unknown persons have entered into a contract, combination or conspiracy in restraint of trade or commerce in the sale of wholesale electric power in the State of Maine.

This summons is issued pursuant to 10 M.R.S.A. § 1107 at the request of Attorney General G. Steven Rowe. Examination of documents and taking of testimony pursuant to this summons shall continue from day to day until completed.

You are hereby informed that the alteration, destruction, concealment or removal of any documents relevant to this investigation, with the intent to impair verity, authenticity or availability of such documents, is a Class D crime under 17-A M.R.S.A. § 455, punishable by a term of imprisonment of up to one year and a fine of up to \$1,000 for individuals and \$5,000 for corporations.

DATED: 3/26/02


MEMBER OF THE MAINE BAR


CLERK, DISTRICT COURT

For further information:

FRANCIS ACKERMAN
Assistant Attorney General
Chief, Public Protection Division
Department of the Attorney General
6 State House Station
Augusta, Maine 04333
(207) 626-8800

RETURN OF SERVICE

STATE OF MAINE

_____, ss.

On the _____ day of _____, 19____, I made service of the within summons upon ISO New England, Inc. by delivering a copy of this summons to (name) _____, (title) _____, at (address) _____.

DATED: _____

(signature of authorized officer)

(printed name)

(title)

SCHEDULE OF DOCUMENTS

You are requested to produce and give authenticating testimony concerning the documents described below.

GROUPING OF DOCUMENTS

It is requested that the documents submitted be grouped according to the individual paragraphs and subparagraphs of the specific request to which documents respond. Within each group the documents should be arranged, to the extent possible, in chronological order. If any document is responsive to more than one paragraph of this request, you may provide a single copy, indicating the paragraphs to which it is responsive, in lieu of providing multiple copies.

NUMBERING OF DOCUMENTS

It is requested that the documents submitted be numbered sequentially (by page) in the order in which said documents are produced.

CLAIM OF PRIVILEGE

If you withhold any documents covered by the summons under claim of privilege, you should furnish a list identifying each document for which the privilege is claimed, together with the following information: date, sender, recipient, persons to whom copies were sent (together with their job title), subject matter, basis on which privilege is claimed, and the paragraph of this schedule to which such documents respond.

BURDEN

If the information contained in the documents described below is available for production in a form which is less burdensome to produce than the documents in the form described, a request may be made to the office of the Attorney General, no later than five days in advance of the time for appearance, to substitute documents in the less burdensome form, and, if such

request is granted, the substituted documents may be produced in lieu of the requested documents.

REMOVAL, DESTRUCTION OR ALTERATION OF DOCUMENTS

If any document responsive to this request has been removed, destroyed or altered, please furnish the following information with respect to each such document:

- (a) date, sender, recipient, persons to whom copies were sent, subject matter, present location and location of any copies; and
- (b) identity of any person authorizing or participating in the removal, destruction or alteration; the date of such removal, destruction or alteration; and the method and circumstances of such removal, destruction or alteration.

TIME PERIOD

Unless otherwise specified in a particular paragraph, the time period covered by this summons is from January 1, 2000, to the date on which documents are produced in response to this summons.

DELIVERY OF DOCUMENTS

In lieu of personal appearance to give testimony to authenticate documents on the specified date and time, you may deliver the requested documents to Francis Ackerman, Assistant Attorney General, State House Station #6, Augusta, Maine 04333, together with a sworn certification of compliance in the form attached hereto. In such event, your testimony will be deferred until further notice. In the event you elect to deliver documents in lieu of personal appearance, you must notify the Office of the Attorney General no later than five days in advance of the time for appearance.

CUSTODY OF DOCUMENTS

Documents produced in accordance with this summons shall remain in the custody of the Department of the Attorney General pending completion of the investigation.

PUBLIC OR PRIVATE HEARING

Pursuant to 10 M.R.S.A. § 1107 the person summoned may, at his option, designate the hearing to be public or private. The Office of the Attorney General will treat the hearing as private unless the person summoned designates the hearing as public. All documents and testimony produced at a private hearing are treated by the Office of the Attorney General as confidential investigative records of the Department pursuant to 16 M.R.S.A. §614. The Attorney General may disclose such testimony, information or documents to third parties in the furtherance of this investigation, in the course of any litigation arising from this investigation, or in referring information concerning unlawful activity to other enforcement agencies.

DEFINITIONS

1. "Documents" shall mean all books, papers, correspondence, memoranda, photographs, graphs, charts, maps, drawings, film, tapes, compact or floppy discs, electronic mail or other electronic or computer records or programs and any nonidentical copy thereof (whether different from the original because of notes made upon such copies or otherwise) in the possession, custody, or control of the addressee of this summons.

2. "The ISO" shall mean ISO-New England, Inc., all of its employees, officers, and agents, and all of its parents, subsidiaries and affiliates.

DOCUMENTS TO BE PRODUCED

1. All documents relating to a study entitled *Understanding New England Generating Unit Availability*, dated June 14, 2001, prepared for the ISO by Merrill Energy LLC

and Diamond Ridge, Inc.; including, but not limited to, data and working papers underlying the study, and any related studies of the same or similar subject matters conducted by or on behalf of the ISO, with the data and working papers underlying any such related studies.

2. All documents which constitute or related to:

(a) bids submitted to the ISO for the sale of energy in the residual spot market by market participants for those hours during July 23 through July 25, 2001 in which a \$1,000 price was registered, and, additionally, for the hours immediately preceding and following such hours.

(b) external and internal contracts for the sale of energy submitted to the ISO by market participants for those hours during July 23 through July 25, 2001 in which a \$1,000 price was registered, and, additionally, for the hours immediately preceding and following such hours.

(c) unit-specific data for all generating units which were

(i) available for operation;

(ii) available for operation at reduced output; and

(iii) unavailable for operation

for those hours during July 23 through July 25, 2001 in which a \$1,000 price was registered, and, additionally, for the hours immediately preceding and following such hours.

3. All documents which set forth, explain, analyze or otherwise relate to the reasons why, during the period July 23 through July 25, 2001, any generating unit was unavailable or was available for operation only at reduced output.

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies under oath that he or she has made a diligent search of the records of ISO New England, Inc. in response to the attached summons, and produced for inspection by the Department of the Attorney General of the State of Maine the original of all nonprivileged documents requested by the attached summons and in the custody or control of ISO New England, Inc., and has accurately listed all other documents responsive to the summons but (a) withheld from production in good faith on the grounds of privilege from disclosure to the Attorney General, or (b) removed, destroyed or altered prior to service of the summons.

DATED:

(signature)

(printed name)

(title)

STATE OF MAINE

_____, SS.

Personally appeared the above-named _____
and made oath to the truth of the statements by him above subscribed.

DATED:

NOTARY PUBLIC

My commission expires: _____.